

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRANCE EDWARDS,

Plaintiff,

v.

ORDER

08-cv-352-bbc

JEREMY STANIEC, JOE BEAHM,
TRAVIS CAUL, J. HAWKINS, Sgt.,
and ERIC KRUEGER.

Defendants.

This case is scheduled for trial on August 10, 2009. Plaintiff has filed a “motion in concern” in which he asks for an order compelling defendants to bring to trial the restraints they used on him when they allegedly used excessive force against him and color photos or video of the segregation shower door where he was restrained. Plaintiff’s motion will be denied. As for the restraints, I have already asked defendants to produce those items at trial, dkt. #83, at 3, and there is no reason to think they will refuse to do so. As for the color photos or video, this request comes too late in the game. Discovery cutoff was July 10, 2009, as plaintiff is well aware, dkt. #106, and he cannot expect defendants to scramble to create demonstrative evidence for his benefit on the eve of trial. Therefore, I will deny

plaintiff's "motion in concern." There is one caveat. As I said, I see no reason to think that defendants do not intend to bring the restraints to trial. If they do not intend to do so, however, they should respond to this order and briefly explain why not. Because this issue has arisen so close to trial, they should act quickly. If they intend to respond to this order, they should do so no later than Thursday, August 6, 2009.

ORDER

IT IS ORDERED that plaintiff's "motion in concern," dkt. #112, is DENIED.

Entered this 4th day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge